

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MAY 14, 2009

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

VAC-34001 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: ASHJIAN DEVELOPMENT, LLC - Request to Vacate 10-feet of a 20-foot wide Public Alley generally located north of Red Coach Avenue and west of Rainbow Boulevard alignment, Ward 6 (Ross)

SET DATE: 06/03/2009

C.C.: 06/17/2009

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

APPROVAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcard
7. Submitted after Final Agenda – Protest Postcards

Motion made by MICHAEL E. BUCKLEY to Deny

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
MICHAEL E. BUCKLEY, VICKI QUINN, STEVEN EVANS, GLENN TROWBRIDGE,
RICHARD TRUESDELL, BYRON GOYNES; (Against-None); (Abstain-None); (Did Not
Vote-None); (Excused-KEEN ELLSWORTH)

NOTE: COMMISSIONER TRUESDELL disclosed that one of his partners owns property within the notice area. He believed that the notice area for Vacations is limited and has no interest in the property, so he was comfortable voting on the item.

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

STEVE GEBEKE, Planning and Development, stated the requested Vacation is needed in order to proceed with the development of the storage facility, which was previously approved. Staff recommended approval, as the public right-of-way is needed for the development. He clarified that the correct ward is Ward 4 and not Ward 6.

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JEFFREY ARMSTRONG, 2727 South Rainbow Boulevard, appeared on behalf of the applicant, agreed with staff's recommendations and requested approval.

ROBERT EAGLE, 4686 Balsam Street, questioned the need for the request. MR. ARMSTRONG explained that the applicant is attempting to satisfy Condition 18 of the Site Development Plan Review, which he read for the record at MR. EAGLE'S request. In addition, the Vacation is required to meet the setback requirements for the storage structure. He stressed that access would not be cut off with the Vacation. Residents have been using the area for the wrong reason, which is vehicular access, but if approved, they would still have 10 feet for pedestrian walking or for horses.

MR. EAGLE and FRANK COMPARONI, 4614 Balsam Street, both felt the applicant was trying to take away a public right-of-way that has been in existence for over 50 years, and the development should have been designed to Code. MR. EAGLE explained that the Vacation would create a problem for the adjacent homeowners relative to access, and Red Coach Avenue is his only access. There are fences and mature landscaping around the properties, and having the area reduced to 10 feet would make it impossible for him to maneuver his recreational vehicle through this area. MR. EAGLE felt a precedent would be set, and residents along Rainbow Boulevard would request the same.

KENNY ROGERS, 4668 Balsam Street, appeared on behalf of MS. CAMEO, City Employee, as well. Should the request be granted, the Fire Department would not have access to the rear of the subject property, as it is a storage area. There are power lines along the right-of-way, and the utility company would not be able to perform service. He echoed MR. EAGLE'S comments relative to the lack of access with this request and questioned the applicant's intentions for the additional 10 feet. He believed the applicant would acquire 10 feet at no cost to him, yet the residents would lose the bridle path and be left without access to the rear of their properties.

Regarding the bridle path, LUCIEN PAET, Public Works, explained that the path was dedicated as such but there was no mention of vehicular access. The parcels do have access to Balsam Street, and he believed there would be sufficient space left to maneuver horses. Ten feet would still be available on the City-owned side.

Upon COMMISSIONER EVANS' query regarding the history on the application, MR. ARMSTRONG stated that this Vacation deals with the Site Development Plan Review application for the mini storage and not the office portion. The applicant obtained approval back in June 2008. This Vacation is a condition of approval and needs to be recorded in order to proceed. DOUG RANKIN, Planning and Development, added that the original site plan indicated the vacated area would be used for the landscape buffer, which the applicant's plan did not reflect and was requested by staff.

COMMISSIONER GOYNES understood MR. ARMSTRONG'S assertion regarding the residents using the area for vehicular access when it has always been intended for horses.

COMMISSIONER TRUESDELL felt the applicant could have done some due diligence in working with the residents on an amenable solution, as one area resident has a riding range and

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could have a legitimate argument as to why their access has changed. He believed the proposal could have been modified to avoid the Vacation. Although it was apparent that this Vacation was contemplated as part of the approval process, both he and COMMISSIONER BUCKLEY sympathized with the residents and their concerns. There appears to be a need for the residents to have access and utilize this area.

CHAIR TROWBRIDGE questioned if large maintenance vehicles could maneuver in this area to provide service to area residents. MR. PAET responded that access is available to the north, although they would have to come in and back out to exit the area. The applicant will have to speak with Nevada Power regarding any landscaping issues. MR. ARMSTRONG confirmed that the agreement has been made to provide 10 feet of landscaping with a 10-foot easement.

COMMISSIONER EVANS referred back to the history and pointed out that in August 2008, the Planning Commission denied the request of all applications. He felt compelled to be consistent in doing the same with this request, as he was not sure if any changes had occurred.

CHAIR TROWBRIDGE was informed by MR. ARMSTRONG that 10 feet of space is sufficient to maneuver vehicles in the area. TODD FARLOW, 240 North 19th Street, disagreed and believed additional space is needed, especially when maintenance vehicles have to utilize the stabilizers. In addition, he expressed his support for the residents and their ability to continue using the public area.

CHAIR TROWBRIDGE declared the Public Hearing closed.

RECESS TAKEN FROM 8:13 - 8:34 P.M.